**Remarks**

The Office Action mailed August 26, 2004 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-34, 36-38 and 40-44 are pending in this application. Claims 1-43 stand rejected. Claims 35 and 39 have been canceled. Claim 44 has been newly added.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated August 26, 2004, for the above-identified patent application from November 26, 2004, through and including January 26, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $450.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 32, 35 and 40 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action suggests at pages 2 and 3 that Claims 32 and 35 do not "utilize any technological device (i.e., a computer or automated processor) in performing the various steps of 'processing'". Applicants respectfully traverse this suggestion. More specifically, Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 32 is directed to a method for determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA). Applicants submit that determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA) is a useful process that is considered to be within "the technological arts".

One specific example of such a method implementation is a computer with a processor programmed to at least one of automatically download a conditional approval from a server to a first client system, automatically download the conditional approval and a medical certification form to a second client system wherein the second client system is

associated with a medical provider identified by the employee, upon receipt of the completed medical provider form at the server reviewing the form for a recommendation from a medical care provider, and download a final approval or disapproval to the first client system for review by the employee. While the claims are not limited to the specific examples related to a computer with a programmed processor, the claims need not be so restricted to satisfy the requirement of Section 101.

Applicants further traverse the assertion included in the Office Action that Claim 32 is directed to non-statutory subject matter under Section 101 in light of the "Examination Guidelines for Computer-Related Inventions". The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

> In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101. Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicants respectfully submit that Claim 32 is limited to a practical application in the technological arts. Furthermore, Applicant respectfully submits that the Office Action does not expressly state how the language of Claim 32 supports the Section 101 rejection.

Claim 32 is a method directed to "determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA)". Thus, Applicants submit that Claim 32 is directed to a useful process that is considered to be within "the technological arts". Furthermore, Claim 32 recites a "method for determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA) using a web-based computer system including a server having a database and a plurality of client systems networked to the server". The method includes "automatically downloading a conditional approval from the server to a first client system...automatically downloading the conditional approval and a medical certification form to a second client system...upon receipt of the completed medical provider

form at the server, reviewing the form for a recommendation from a medical care provider...and downloading a final approval or disapproval to the first client system for review by the employee." Thus, Claim 32 uses a computer system including a server having a database, and a plurality of client systems networked to the server to perform certain steps of the process. Claim 32 is therefore directed to a practical application in the technological arts.

Claim 35 has been canceled.

The Office Action also suggests at page 3 that Claim 40 recites a "computer-readable medium in its preamble but does not recite any technological device in the body of the claim in performing the various steps of 'processing'". Applicants respectfully traverse this suggestion. More specifically, Applicants submit that Claim 40 recites a "computer program embodied on a computer readable medium for processing and tracking requests for leave under the Family Medical Leave Act (FMLA), said program comprising a code segment that...displays on a first client system at least one web page including a FMLA leave request form...prompts a requester to enter request data directly into the FMLA leave request form...automatically uploads the FMLA leave request form with the request data from the first client system to the server...determines whether the employee is eligible to receive a conditional approval of the FMLA leave request form...automatically downloads the conditional approval from the server to the first client system for viewing by the requester...automatically downloads the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester...prompts the medical provider to enter medical data directly into the medical certification form displayed on the second client system...automatically uploads a completed medical certification form from the second client system to the server for storage in the FMLA database...compares the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider...and downloads from the server a final approval or disapproval to the requester at the first client system."

Accordingly, Applicants submit that Claim 40 recites a technological device (a code segment) in the body of the claim for performing the various steps. Claim 40 is therefore directed to a practical application in the technological arts.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 32, 35 and 40 be withdrawn.

The rejection of Claims 1-43 under 35 U.S.C. § 103(a) as being unpatentable over Grimse et al. (U.S. Patent No. 6,269,355) ("Grimse") in view of Gary Meyer, *Computer-Guided FMLA Administration*, HRMagazine, Vol. 42, Issue 5, pg. 45, May 1997 ("Meyer") is respectfully traversed.

Applicants respectfully submit that neither Grimse nor Meyer, considered alone or in combination, describe or suggest the claimed invention. As discussed below, at least one of the differences between the cited references and the present invention is that neither Grimse nor Meyer, alone or in combination, describe or suggest a method for processing and tracking requests for leave under the Family Medical Leave Act (FMLA) using a web-based computer system configured with at least one server which includes an employee FMLA database, and a plurality of client systems networked to the at least one server, wherein the method includes displaying on a first client system at least one web page including a FMLA leave request form, and prompting a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester.

Moreover, Applicants respectfully submit that neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes automatically uploading the FMLA leave request form with the request data from the first client system to the server wherein the server is associated with the employer, determining at the server whether the employee is eligible to receive a conditional approval of the FMLA leave request form, and automatically downloading the conditional approval from the server to the first client system for viewing by the requester.

Furthermore, Applicants respectfully submit that neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database.

Additionally, Applicants respectfully submit that neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes comparing, at the server, the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and downloading from the server a final approval or disapproval to the requester at the first client system.

Grimse describes a system and method for guiding a user through a complex process having a plurality of steps. The system permits a user with little or no knowledge of the process to complete the process. The guidance system includes a logical structure which models the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process. The guidance pages have one or more page fragments and each page fragment is dynamically generated based on certain preconditions so that the guidance pages are easily customizable.

For example, Grimse describes a decision matrix (100) that can be used to help a manager determine when employee leave under the Family Medical Leave Act (FMLA) is justified. In this example, there may be Federal law, State law, company policy and a collective bargaining agreement (shown in rows 101 of the matrix) all of which may influence the decision about whether the employee is entitled to paid leave under the FMLA. A number of columns (102) of the matrix list factors which help to answer the question. The columns may contain the most restrictive factors at the left side of the matrix and the least restrictive factors at the right side of the matrix. The system may ask questions to the user

about the employee and then, based on the decision matrix, make the appropriate decision for the user without the user having to understand the applicable laws and the like. The decision matrix guides a user through a process about which the user may have little or no personal knowledge. The decision matrix may also include guidance pages which provide the user with additional information to resolve the problem and complete the process.

Meyer describes a specially designed computer program referred to as FMLA Pro that helps organizations stay in compliance with the many laws and regulations of the Family Medical Leave Act. FMLA Pro is a Windows-based system that automates administration of the FMLA. This software product is a reference source for comprehensive information about the FMLA and enables an employer to process and track employee leave activity covered by the Act.

Claim 1 recites a method for processing and tracking requests for leave under the Family Medical Leave Act (FMLA) using a web-based computer system configured with at least one server which includes an employee FMLA database, and a plurality of client systems networked to the at least one server, the method includes "displaying on a first client system at least one web page including a FMLA leave request form...prompting a requester to enter request data directly into the FMLA leave request form, the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, the first client system is associated with the requester...automatically uploading the FMLA leave request form with the request data from the first client system to the server, the server is associated with the employer...determining, at the server, whether the employee is eligible to receive a conditional approval of the FMLA leave request form...automatically downloading the conditional approval from the server to the first client system for viewing by the requester...automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester...prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system, the medical data includes a recommendation relating to the reason for the FMLA leave request...automatically uploading a completed medical certification form from the

second client system to the server for storage in the FMLA database...comparing, at the server, the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider...and downloading from the server a final approval or disapproval to the requester at the first client system."

Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the method recited in Claim 1. More specifically, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method for processing and tracking requests for leave under the Family Medical Leave Act (FMLA) using a web-based computer system configured with at least one server which includes an employee FMLA database, and a plurality of client systems networked to the at least one server, wherein the method includes displaying on a first client system at least one web page including a FMLA leave request form, and prompting a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester.

Moreover, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes automatically uploading the FMLA leave request form with the request data from the first client system to the server wherein the server is associated with the employer, determining at the server whether the employee is eligible to receive a conditional approval of the FMLA leave request form, and automatically downloading the conditional approval from the server to the first client system for viewing by the requester.

Furthermore, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and

automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database.

Additionally, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes comparing, at the server, the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and downloading from the server a final approval or disapproval to the requester at the first client system.

Rather, Grimse describes an automated process guidance system and method that utilizes a logical structure for modeling the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process; and Meyer describes a Windows-based computer program referred to as FMLA Pro that helps organizations stay in compliance with the Family Medical Leave Act by providing a reference source for information about the FMLA, and enabling an employer to process and track employee leave activity covered by the Act.

Although Grimse describes using the automated process guidance system for an employee leave process under the Family Leave Act, Grimse does not describe or suggest displaying on a first client system at least one web page including a FMLA leave request form, and prompting a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester. Rather, Grimse merely describes a decision matrix (100) that can be used to help a manager determine when employee leave under the Family Medical Leave Act (FMLA) is justified. The matrix described in Grimse includes columns containing the most restrictive factors at the left side of the matrix and the least restrictive factors at the right side of the matrix. The system asks questions to the user about the employee and then, based on the decision matrix, make the appropriate decision for the user without the user having to understand the applicable laws and the like.

Moreover, Grimse does not describe or suggest automatically uploading the FMLA leave request form with the request data from the first client system to the server wherein the server is associated with the employer, determining at the server whether the employee is eligible to receive a conditional approval of the FMLA leave request form, and automatically downloading the conditional approval from the server to the first client system for viewing by the requester.

Furthermore, Grimse does not describe or suggest automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database.

Additionally, Grimse does not describe or suggest comparing, at the server, the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and downloading from the server a final approval or disapproval to the requester at the first client system.

As to Meyer, although Meyer describes a Windows-based computer program that helps organizations stay in compliance with the Family Medical Leave Act, Meyer does not describe or suggest displaying on a first client system at least one web page including a FMLA leave request form, and prompting a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester.

Moreover, Meyer does not describe or suggest automatically uploading the FMLA leave request form with the request data from the first client system to the server wherein the server is associated with the employer, determining at the server whether the employee is

eligible to receive a conditional approval of the FMLA leave request form, and automatically downloading the conditional approval from the server to the first client system for viewing by the requester. In fact, Meyer merely describes a system that is utilized by a company's Human Resources Department for tracking employee leave requests. Meyer does not describe a system that enables a requester to upload a FMLA request form to an employer.

Furthermore, Meyer does not describe or suggest automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database.

Additionally, Meyer does not describe or suggest comparing, at the server, the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and downloading from the server a final approval or disapproval to the requester at the first client system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Grimse in view of Meyer.

For at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Grimse in view of Meyer.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Grimse in view of Meyer.

Claim 13 recites a system for facilitating processing and tracking of requests under the Family Medical Leave Act (FMLA), the system includes "a first computer associated with a requester, the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee...a second computer associated with a

medical provider identified by the requester...at least one server associated with the employer further comprising...an employee FMLA request database...and a plurality of FMLA forms designed to accept data relating to a request for a leave under the FMLA...and a network connecting said servers to said computers, said server configured to...display on the first computer the plurality of said forms including a FMLA leave request form...prompt the requester to enter request data directly into the FMLA leave request form including information relating to a reason for a FMLA leave request, the employee and the employer...receive the FMLA leave request form with the leave data from the first computer...determine whether the employee is eligible to receive a conditional approval of the FMLA leave request form...automatically download the conditional approval to the first computer for viewing by the requester...automatically download the conditional approval and a medical certification form to the second computer...prompt the medical provider to enter medical data directly into the medical certification form displayed on the second computer, the medical data includes a recommendation relating to the reason for the FMLA leave request...receive a completed medical certification form from the second computer for storage in the FMLA database...compare the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider...and download a final approval or disapproval to the requester at the first computer."

Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the system recited in Claim 13. More specifically, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a system that includes a first computer associated with a requester wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, a second computer associated with a medical provider identified by the requester, at least one server associated with the employer having an employee FMLA request database and a plurality of FMLA forms designed to accept data relating to a request for a leave under the FMLA, and a network connecting the servers to the computers.

Moreover, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a system having a server configured to display on the first computer the plurality of

the forms including a FMLA leave request form, prompt the requester to enter request data directly into the FMLA leave request form including information relating to a reason for a FMLA leave request, the employee and the employer, and automatically download a conditional approval to the first computer for viewing by the requester.

Furthermore, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a server configured to automatically download the conditional approval and a medical certification form to the second computer, prompt the medical provider to enter medical data directly into the medical certification form displayed on the second computer wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and receive a completed medical certification form from the second computer for storage in the FMLA database.

Additionally, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a server configured to compare the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and download a final approval or disapproval to the requester at the first computer.

Rather, Grimse describes an automated process guidance system and method that utilizes a logical structure for modeling the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process; and Meyer describes a Windows-based computer program referred to as FMLA Pro that helps organizations stay in compliance with the Family Medical Leave Act by providing a reference source for information about the FMLA, and enabling an employer to process and track employee leave activity covered by the Act. Accordingly, Applicants respectfully submit that Claim 13 is patentable over Grimse in view of Meyer.

For at least the reasons set forth above, Applicants respectfully submit that Claim 13 is patentable over Grimse in view of Meyer.

Claims 14-31 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-31 are considered in combination with the recitations of Claim 13,

Applicants submit that dependent Claims 14-31 likewise are patentable over Grimse in view of Meyer.

Claim 32 recites a method for determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA) using a web-based computer system having a server having a database and a plurality of client systems networked to the server, the method includes "automatically downloading a conditional approval from the server to a first client system wherein the server is associated with an employer included within the FMLA and the first client system is associated with an employee of the employer...automatically downloading the conditional approval and a medical certification form to a second client system, the second client system is associated with a medical provider identified by the employee...upon receipt of the completed medical provider form at the server, reviewing the form for a recommendation from a medical care provider...and downloading a final approval or disapproval to the first client system for review by the employee."

Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the method recited in Claim 32. More specifically, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method for determining if an employee is entitled to leave under the Family Medical Leave Act (FMLA) using a web-based computer system that includes a server having a database and a plurality of client systems networked to the server, the method includes automatically downloading a conditional approval from the server to a first client system wherein the server is associated with an employer included within the FMLA and the first client system is associated with an employee of the employer, and automatically downloading the conditional approval and a medical certification form to a second client system wherein the second client system is associated with a medical provider identified by the employee.

Moreover, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a method that includes upon receipt of the completed medical provider form at the server, reviewing the form for a recommendation from a medical care provider, and downloading a final approval or disapproval to the first client system for review by the employee.

Rather, Grimse describes an automated process guidance system and method that utilizes a logical structure for modeling the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process; and Meyer describes a Windows-based computer program referred to as FMLA Pro that helps organizations stay in compliance with the Family Medical Leave Act by providing a reference source for information about the FMLA, and enabling an employer to process and track employee leave activity covered by the Act. Accordingly, Applicants respectfully submit that Claim 32 is patentable over Grimse in view of Meyer.

For at least the reasons set forth above, Applicants respectfully submit that Claim 32 is patentable over Grimse in view of Meyer.

Claim 35 has been canceled. Claims 33-34 depend, directly or indirectly, from independent Claim 32. When the recitations of Claims 33-34 are considered in combination with the recitations of Claim 32, Applicants submit that dependent Claims 33-34 likewise are patentable over Grimse in view of Meyer.

Claim 36 recites an apparatus for processing and tracking of requests under the Family Medical Leave Act (FMLA) that includes "means for storing a plurality of FMLA forms...means for displaying on a first client system at least one FMLA form including a FMLA leave request form...means for prompting a requester to enter request data directly into the FMLA leave request form, the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, the first client system is associated with the requester...means for automatically uploading the FMLA leave request form with the request data from the first client system to a server, the server is associated with the employer...means for determining whether the employee is eligible to receive a conditional approval of the FMLA leave request form...means for automatically downloading the conditional approval from the server to the first client system...means for automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester...means for prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system, the medical

data includes a recommendation relating to the reason for the FMLA leave request...means for automatically uploading a completed medical certification form from the second client system to the server for storage...means for comparing the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider...and means for downloading from the server a final approval or disapproval to the requester at the first client system."

Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the apparatus recited in Claim 36. More specifically, neither Grimse nor Meyer, considered alone or in combination, describe or suggest an apparatus for processing and tracking of requests under the Family Medical Leave Act (FMLA) that includes means for displaying on a first client system at least one FMLA form including a FMLA leave request form, and means for prompting a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester.

Moreover, neither Grimse nor Meyer, considered alone or in combination, describe or suggest an apparatus that includes means for automatically uploading the FMLA leave request form with the request data from the first client system to a server wherein the server is associated with the employer, and means for automatically downloading the conditional approval from the server to the first client system.

Furthermore, neither Grimse nor Meyer, considered alone or in combination, describe or suggest an apparatus that includes means for automatically downloading the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, means for prompting the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and means for automatically uploading a completed medical certification form from the second client system to the server for storage.

Additionally, neither Grimse nor Meyer, considered alone or in combination, describe or suggest an apparatus that includes means for comparing the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and means for downloading from the server a final approval or disapproval to the requester at the first client system.

Rather, Grimse describes an automated process guidance system and method that utilizes a logical structure for modeling the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process; and Meyer describes a Windows-based computer program referred to as FMLA Pro that helps organizations stay in compliance with the Family Medical Leave Act by providing a reference source for information about the FMLA, and enabling an employer to process and track employee leave activity covered by the Act. Accordingly, Applicants respectfully submit that Claim 36 is patentable over Grimse in view of Meyer.

For at least the reasons set forth above, Applicants respectfully submit that Claim 36 is patentable over Grimse in view of Meyer.

Claim 39 has been canceled. Claims 37-38 depend, directly or indirectly, from independent Claim 36. When the recitations of Claims 37-38 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claims 37-38 likewise are patentable over Grimse in view of Meyer.

Claim 40 recites a computer program embodied on a computer readable medium for processing and tracking requests for leave under the Family Medical Leave Act (FMLA), the program having a code segment that "displays on a first client system at least one web page including a FMLA leave request form...prompts a requester to enter request data directly into the FMLA leave request form, the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, the first client system is associated with the requester...automatically uploads the FMLA leave request form with the request data from the first client system to the server, the

server is associated with the employer...determines whether the employee is eligible to receive a conditional approval of the FMLA leave request form...automatically downloads the conditional approval from the server to the first client system for viewing by the requester...automatically downloads the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester...prompts the medical provider to enter medical data directly into the medical certification form displayed on the second client system, the medical data includes a recommendation relating to the reason for the FMLA leave request...automatically uploads a completed medical certification form from the second client system to the server for storage in the FMLA database...compares the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider...and downloads from the server a final approval or disapproval to the requester at the first client system."

Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the computer program recited in Claim 36. More specifically, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a computer program embodied on a computer readable medium for processing and tracking requests for leave under the Family Medical Leave Act (FMLA), the program having a code segment that displays on a first client system at least one web page including a FMLA leave request form, and prompts a requester to enter request data directly into the FMLA leave request form, wherein the requester includes at least one of an employee of an employer included within the FMLA and a representative of the employee, the request data includes information relating to a reason for a FMLA leave request, the employee and the employer, and the first client system is associated with the requester.

Moreover, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a code segment that automatically uploads the FMLA leave request form with the request data from the first client system to the server wherein the server is associated with the employer, and automatically downloads a conditional approval from the server to the first client system for viewing by the requester.

Furthermore, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a code segment that automatically downloads the conditional approval and a medical certification form to a second client system associated with a medical provider identified by the requester, prompts the medical provider to enter medical data directly into the medical certification form displayed on the second client system wherein the medical data includes a recommendation relating to the reason for the FMLA leave request, and automatically uploads a completed medical certification form from the second client system to the server for storage in the FMLA database.

Additionally, neither Grimse nor Meyer, considered alone or in combination, describe or suggest a code segment that compares the request data to the medical data to determine whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider, and downloads from the server a final approval or disapproval to the requester at the first client system.

Rather, Grimse describes an automated process guidance system and method that utilizes a logical structure for modeling the process steps within the process and guidance pages which provide the user with additional information about how to proceed through the process; and Meyer describes a Windows-based computer program referred to as FMLA Pro that helps organizations stay in compliance with the Family Medical Leave Act by providing a reference source for information about the FMLA, and enabling an employer to process and track employee leave activity covered by the Act. Accordingly, Applicants respectfully submit that Claim 40 is patentable over Grimse in view of Meyer.

For at least the reasons set forth above, Applicants respectfully submit that Claim 40 is patentable over Grimse in view of Meyer.

Claims 41-43 depend, directly or indirectly, from independent Claim 40. When the recitations of Claims 41-43 are considered in combination with the recitations of Claim 40, Applicants submit that dependent Claims 41-43 likewise are patentable over Grimse in view of Meyer.

In addition to the above arguments, the rejection of Claims 1-43 under 35 U.S.C. § 103(a) as being unpatentable over Grimse in view of Meyer is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Grimse using the teachings of Meyer. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

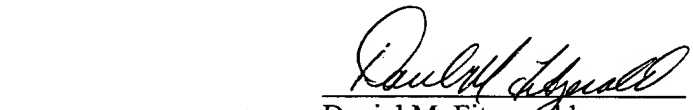
Neither Grimse nor Meyer, considered alone or in combination, describe or suggest the claimed combination. Rather, these present Section 103 rejections are based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching, suggestion or motivation for the combination of Grimse or Meyer, this Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-43 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-43 under 35 U.S.C. § 103(a) be withdrawn.

Newly added Claim 44 is an independent claim that recites a "method for requesting leave from an employer under the Family Medical Leave Act (FMLA) using a web-based computer system including a server having a database and a plurality of client systems networked to the server". Applicants respectfully submit that none of the cited art describes or teaches a method as recited in Claim 44. Therefore, Applicants submit that Claim 44 is patentable over the cited art.

In view of the foregoing amendments and remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,



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